

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

\* \* \*

MYLES STANLEY JACKSON

Plaintiff,

v.

UNNAMED PRESENT AND FORMER  
MEMBERS OF THE DISTRICT  
ATTORNEY'S OFFICE FOR CLARK  
COUNTY, NEVADA FAMILY SUPPORT  
DIVISION

Defendants.

Case No. 2:24-cv-00941-RFB-MDC

**ORDER**

Before the Court is a Motion to Dismiss, (ECF No. 7), filed by Defendant, Unnamed Present and Former Members of the District Attorney's Office for Clark County, Nevada Family Support Division. For the reasons stated, Defendant's Motion to Dismiss is granted.

**I. PROCEDURAL HISTORY**

On May 20, 2024, Plaintiff Myles Stanley Jackson ("Plaintiff") commenced this case by filing the Complaint. ECF No. 1. On June 12, 2024, Defendant, Unnamed Present and Former Members of the District Attorney's Office for Clark County, Nevada Family Support Division ("Defendant") filed a motion to dismiss. ECF No. 7. The motion was fully briefed by June 27, 2024. ECF Nos. 13, 14, 15.

On June 13, 2024, Defendants filed a motion to stay discovery. ECF No. 10. On July 9, 2024, Plaintiff filed a motion for sanctions. ECF No. 18. On July 18, 2024, Defendants filed a motion to strike. ECF No. 19. On August 1, 2024, Plaintiff filed an Amended Complaint. ECF No. 21. On October 8, 2024, Magistrate Judge Couviller granted Defendants' motion to stay discovery, ECF No. 10, and denied Plaintiff's motion for sanctions, ECF No. 18. ECF No. 25. On February 5, 2025, this Court held a motion hearing. ECF No. 27. Plaintiff did not attend. The Court's Order follows.

**II. FACTUAL ALLEGATIONS**

1 On December 30, 1989, a child was born to LaSanya Rucker at Huntington Memorial  
2 Hospital in Pasadena, Los Angeles County, CA. The child's birth certificate states that Mr. Charles  
3 Eugene Mackey is the father of the child. In January 2002, a paternity suit against Plaintiff was  
4 filed by LaSanya Rucker. On March 12, 2002, Plaintiff was arrested on charges unrelated to this  
5 action. Plaintiff was convicted and remained in jail serving his sentence until May 10, 2007. On  
6 March 20, 2002, Plaintiff received service at his Las Vegas address. Plaintiff was not personally  
7 served as he was incarcerated at the time service was completed. Plaintiff never took a DNA test  
8 to determine paternity. In January 2024, Plaintiff learned that his paternity was determined by  
9 default. Plaintiff paid involuntary, compulsory child support for the child to the State of Nevada,  
10 by payroll deduction, from 2002 – 2020.

11 Plaintiff alleges a host of harms based upon not receiving proper notice of the paternity  
12 action against him.

### 13 **III. LEGAL STANDARD**

14 An initial pleading must contain “a short and plain statement of the claim showing that the  
15 pleader is entitled to relief.” Fed. R. Civ. P. 8(a). The court may dismiss a complaint for “failure  
16 to state a claim upon which relief can be granted.” Fed. R. Civ. P. 12(b)(6). In ruling on a motion  
17 to dismiss, “[a]ll well-pleaded allegations of material fact in the complaint are accepted as true and  
18 are construed in the light most favorable to the non-moving party.” Faulkner v. APT Sec. Services,  
19 Inc., 706 F.3d 1017, 1019 (9th Cir. 2013) (citations omitted).

20 To survive a motion to dismiss, a complaint need not contain “detailed factual allegations,”  
21 but it must do more than assert “labels and conclusions” or “a formulaic recitation of the elements  
22 of a cause of action. . . .” Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) (quoting Bell Atlantic Corp.  
23 v. Twombly, 550 U.S. 544, 555 (2007)). In other words, a claim will not be dismissed if it contains  
24 “sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face,”  
25 meaning that the court can reasonably infer “that the defendant is liable for the misconduct  
26 alleged.” Id. at 678 (internal quotation and citation omitted). The Ninth Circuit, in elaborating on  
27 the pleading standard described in Twombly and Iqbal, has held that for a complaint to survive  
28 dismissal, the plaintiff must allege non-conclusory facts that, together with reasonable inferences

1 from those facts, are “plausibly suggestive of a claim entitling the plaintiff to relief.” Moss v. U.S.  
2 Secret Service, 572 F.3d 962, 969 (9th Cir. 2009).

#### 3 **IV. DISCUSSION**

4 Plaintiff’s Amended Complaint contains six causes of action including Thirteenth and  
5 Fourteenth Amendment claims under the United States Constitution as well as claims under the  
6 Nevada State Constitution. Additionally, Plaintiff brings a negligence and gross negligence claim  
7 under Nevada law.

8 Defendants move to dismiss the Amended Complaint. Defendant’s motion makes two  
9 primary arguments. First, Defendants contend that district attorney defendants enjoy absolute  
10 prosecutorial immunity from damages alleged to have arisen from their quasi-judicial activity.  
11 Second, Defendants assert that, pursuant to the statute of limitations periods outlined in NRS  
12 11.190, Plaintiff’s claims are no longer legally actionable.

13 Plaintiff counters that Defendants are not entitled to immunity because the policies and  
14 customs in place within the District Attorney’s Office violated Plaintiff’s constitutional rights.  
15 Plaintiff also argues that the claims raised in the Amended Complaint are not barred by the statute  
16 of limitations because Plaintiff was unaware of the alleged constitutional violations until 2023.  
17 Thus, Plaintiff contends that his claims are subject to the “Discovery Rule.”

18 The Court grants Defendants’ Motion to Dismiss.

#### 19 **A. Prosecutorial Immunity**

20 The Nevada Supreme Court has adopted prosecutorial immunity as expressed by the U.S.  
21 Supreme Court in County of Washoe ex rel. Office of Dist. Attorney, Nonsupport Div. v. Second  
22 Judicial Dist. Court, 652 P.2d 1175 (Nev. 1982). The rationale for the adoption of prosecutorial  
23 immunity, as expressed by the Supreme Court, is that “harassment by unfounded litigation would  
24 cause a deflection of the prosecutor's energies from his public duties, and the possibility that he  
25 would shade his decisions instead of exercising the independence of judgment required by his  
26 public trust.” Imbler v. Pachtman, 424 U.S. 409, 423 (1976). The Nevada State Legislature has  
27 codified common law immunity in NRS § 41.032, which provides in pertinent part: “[n]o action  
28 may be brought under NRS § 41.031 or against an officer or employee of the state or any of its

1 agencies or political subdivisions which is . . . based upon the exercise or performance or the failure  
 2 to exercise or perform a discretionary function or duty on the part of the state or nay of its agencies  
 3 or political subdivisions or of any officer or employee of any of these, whether or not the discretion  
 4 involved is abused.” Nev. Rev. Stat. Ann. § 41.032(2).

5 In this case, Defendants were engaging in protected prosecutorial activity when they  
 6 established paternity by default. Prosecutors are absolutely immune from liability under § 1983  
 7 for their conduct so long as it is “intimately associated” with the judicial phase of their work. Burns  
 8 v. Reed, 500 U.S. 478, 486 (1991) (extending prosecutorial immunity to administrative  
 9 proceedings); Demery v. Kupperman, 735 F.2d 1139, 1143 (9th Cir. 1984). In the Amended  
 10 Complaint, Plaintiff’s causes of action arise from Defendants’ prosecution of the 2002 paternity  
 11 action which resulted in the establishment of paternity by default. Plaintiff alleges throughout the  
 12 Amended Complaint that Defendants acted under color of the law and does not assert that  
 13 Defendants acted outside the scope of their prosecutorial duties.

14 The Court finds that Defendants are entitled to prosecutorial immunity. First, there is no  
 15 dispute that Defendants were acting within their prosecutorial duties when prosecuting the 2002  
 16 paternity action. Second, it is clear that District Attorney Defendants are immune from § 1983  
 17 liability when the conduct at issue is required in their role. Demery 735 F.2d; Nev. Rev. Stat. §  
 18 41.032.

### 19 **B. Statute of Limitations**

20 The State of Nevada codified its statute of limitations in Nev. Rev. Stat. § 11.910. The statute  
 21 provides, in relevant part, that “[a]n act to recover damages for injuries a person caused by the  
 22 wrongful act or neglect of another, may only be commenced within two years. Nev. Rev. Stat. §  
 23 11.190(4)(e). Additionally, the Nevada Supreme Court has held that tort claims against any  
 24 political subdivision of the State must be filed within two years of the time of the cause of action.  
 25 Sparks v. Alpha Tau Omega Fraternity, Inc., 255 P.3d 238, 243 n.4 (Nev. 2011).

26 For actions under 42 U.S.C. § 1983, courts apply the forum state’s statute of limitations for  
 27 personal injury actions. Jones v. Blanas, 393 F.3d 918, 927 (9th Cir. 2004) (citing Fink v. Shedler,  
 28 192 F.3d 911, 914 (9th Cir. 1999)). Federal law governs when civil rights claims accrue. Knox v.

1 Davis, 260 F.3d 1009, 1013 (9th Cir. 2001). “Under federal law, a claim accrues when the plaintiff  
2 knows or has reason to know of the injury which is the basis of the action.” Id.

3 The claims alleged in Plaintiff’s Amended Complaint arise from a paternity action that was  
4 initiated and commenced in 2002, over two decades ago. Applying Nevada’s statute of limitations  
5 to Plaintiff’s claims, the statutory deadline would have been in 2004. Plaintiff asserts that he  
6 learned paternity was determined by default in 2024. Alternatively, in count three of his Amended  
7 Complaint, Plaintiff alleges Defendants violated his Thirteenth Amendment rights by forcing him  
8 to work to pay child support under threat of imprisonment for 18 years. Additionally, in Plaintiff’s  
9 Prayer for Relief, he requests the Court order Defendants to pay Plaintiff an award in the amount  
10 of child support paid dating back to the initial child support order in 2002.

11 Federal law provides that a claim accrues when the plaintiff knows or has reason to know of  
12 the injury. Knox, 260 F.3d at 1013. Here, Plaintiff asks the Court to draw contradictory conclusions  
13 against unnamed defendants. Plaintiff asserts that he was subjected to 18 years of forced labor to  
14 pay child support, while simultaneously asserting that although he never participated in a DNA  
15 test, he did not know paternity was established by default. Assuming the veracity of Plaintiff’s  
16 assertions, over the course of 18 years, Plaintiff had reason to know that absent a DNA paternity  
17 test, paternity was determined by default.

18 The Court finds that the statute of limitations for Plaintiff’s claims has run. Thus, Plaintiff’s  
19 claims are dismissed based upon both prosecutorial immunity and the statute of limitations.

20 **V. CONCLUSION**

21 For the foregoing reasons, **IT IS ORDERED** that Defendant’s Motion to Dismiss, (ECF  
22 No. 7), is **GRANTED**.

23  
24 **DATED:** March 27, 2025



25  
26 **RICHARD F. BOULWARE, II**  
27 **UNITED STATES DISTRICT JUDGE**  
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